

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ALTANA PHARMA AG, AND WYETH,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,  
AND TEVA PHARMACEUTICALS  
INDUSTRIES, LTD.,

Defendants.

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ALTANA PHARMA AG, AND WYETH,

Plaintiffs,

v.

SUN PHARMACEUTICAL INDUSTRIES,  
LTD., AND SUN PHARMACEUTICAL  
RESEARCH CENTRE, LTD.,

Defendants.

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ALTANA PHARMA AG, AND WYETH

Plaintiffs,

v.

:  
:  
: Consolidated  
: Civil Action Nos.  
: 04-2355 (JLL)  
: 05-1966 (JLL)  
: 05-3920 (JLL)  
:  
: ORDER GRANTING  
: MOTION TO INTERVENE  
: AND CONSOLIDATE

:  
:  
:  
: Civil Action No.  
: 06-3672 (JLL)

KUDCO IRELAND LIMITED, AND :  
SCHWARZ PHARMA, INC., :  
 :  
 Defendants. :  
\_\_\_\_\_ :

**WHEREAS**, Altana Pharma AG and Wyeth (hereinafter collectively "Plaintiffs"), Plaintiffs in Civil Action No. 06-3672 (JLL) (the "KUDCo Action"), have moved before this Court for an order consolidating for all purposes the KUDCo Action with Civil Action No. 04-2355 (JLL) (the "Teva Action"), Civil Action No. 05-1966 (JLL) (the "Sun Tablet Action") and Civil Action No. 05-3920 (JLL) (the "Sun IV Action");

**WHEREAS**, all four actions involve at least common questions of law and fact concerning United States Patent No. 4,758,579 ("the '579 patent"), the only patent-in-suit in all the actions;

**WHEREAS**, defendants KUDCo Ireland Limited and Schwarz Pharma, Inc. in the KUDCo Action moved to intervene in the consolidated Teva/Sun Tablet/Sun IV Actions for the purpose of filing papers in support of consolidation of such actions with the KUDCo Action;

**WHEREAS**, the Court finds that consolidating the KUDCo Action with the previously consolidated Teva Action, Sun Tablet Action and Sun IV Action will conserve resources of the parties and the Court, avoid duplication of effort, achieve time savings in a manner that is consistent with the duties of the parties to

reasonably cooperate in expediting litigation under the Hatch-Waxman Act, and avoid producing inconsistent or conflicting results, without prejudicing any of the parties to the actions;

and the Court having considered the papers submitted; and  
for good cause shown;

**IT IS ORDERED** that:

1. The motion of KUDCo Ireland Limited and Schwarz Pharma, Inc. to intervene in the consolidated Teva/Sun Tablet/Sun IV Actions for the purpose of filing papers in support of consolidation of such actions with the KUDCo Action [Docket Entry # 72] is **GRANTED**, and such papers were considered by the Court in ruling upon the motion to consolidate.
2. Plaintiffs' motion to consolidate the above-captioned cases for all purposes [Docket Entry # 67] is **GRANTED**.
3. The Teva Action, the Sun Tablet Action, the Sun IV Action and KUDCo Action are hereby consolidated for all purposes.

**SO ORDERED** this 26th day of February, 2007.

*s/ Claire C. Cecchi*

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**HON. CLAIRE C. CECCHI**  
**United States Magistrate Judge**